

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL F. REED,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 2:20-cv-1387-JRC

ORDER GRANTING  
UNOPPOSED MOTION FOR  
ATTORNEY'S FEES PURSUANT  
TO 42 U.S.C. § 406(b)

This matter is before the Court on the parties' consent (Dkt. 2) and on plaintiff's unopposed motion for attorney's fees pursuant to 42 U.S.C. § 406(b). *See* Dkt. 27.

The Court may allow a reasonable fee for an attorney who represented a claimant before the Court and obtained a favorable judgment, as long as the fee is not in excess of twenty-five percent of the total past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v. Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first to the agreement and will conduct an independent review to assure the reasonableness of the fee requested, taking into consideration the character of the representation and results achieved. *See* *Grisbrecht*, 535 U.S. at 807–08. Although the fee agreement is the primary means for

1 determining the fee, the Court will adjust the fee downward if substandard representation was  
2 provided, if the attorney caused excessive delay, or if a windfall would result from the requested  
3 fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151 (9th Cir. 2009) (citing *Grisbrecht*, 535 U.S. at  
4 808).

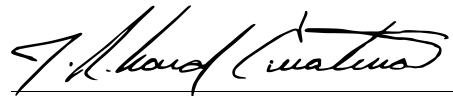
5 Here, the representation was standard, at least, and the results achieved excellent.  
6 Following remand from this Court (Dkt. 20), plaintiff was awarded benefits. *See* Dkt. 27-2.  
7 There has not been excessive delay and no windfall will result from the requested fee.

8 The Social Security Administration withheld \$47,078.75 of plaintiff's past-due benefits,  
9 which constitutes twenty-five percent of the total amount plaintiff was awarded. *See* Dkt. 27-2, at  
10 2. Plaintiff's attorney seeks the entire \$47,078.75 as a gross attorney's fee. *See* Dkt. 27.

11 However, plaintiff's attorney already received an EAJA award in the amount of \$8,986.00. *See*  
12 Dkt. 26. Therefore, plaintiff has moved for a net attorney's fee of \$38,092.75. *See* Dkt. 27.

13 Based on plaintiff's unopposed motion and supporting documents (*see* Dkts. 27–29), it is  
14 hereby ORDERED that attorney's fees in the amount of \$38,092.75 be awarded to plaintiff's  
15 attorney pursuant to 42 U.S.C. § 406(b). The Social Security Administration is directed to send  
16 payment of the 406(b) fees to plaintiff's attorney.

17 Dated this 5th day of July, 2022.

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20 J. Richard Creatura  
21 Chief United States Magistrate Judge  
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